

REMARKS

Applicant requests reconsideration and further examination of this application.

Regarding the Rejection under 35 U.S.C. Section 112, second paragraph:

In response to the Examiner's rejection, under 35 U.S.C. Section 112, second paragraph, of the term "human grounding point", Applicant has removed that term from the claims, by canceling Claim 5, and amending Claim 6 to recite a grounding wire inlaid in said chinrest and extending across an outside surface of said chinrest body and exposed so that it contacts the player during use. Also, Applicant has added Claims 28 – 31, as follows:

Claim 28: said chinrest body being made from material selected from the group consisting of ebony, rosewood, hardwood, and plastic, and said chinrest further comprising a metal grounding inlay in said chinrest and extending across an outside surface of said chinrest body and exposed so that it contacts the player during use;

Claim 29: wherein the metal grounding inlay of Claim 28 is copper;

Claim 30: wherein said acoustic string instrument is a violin and the metal grounding inlay of Claim 28 is near an outer edge of a top surface of said chinrest body so that the inlay is adapted to be contacted by a user's chin when said user is playing the violin; and

Claim 31: wherein an end of said metal grounding inlay extends to contact a metal housing of said output jack.

The amendments to Claim 6 and new Claims 28 – 31 are supported in the application as filed, which incorporates the related provisional application, Serial Number 60/439,621. For example, support is found at page 5, lines 25 – 29, and Figures 1, 2, 5, 8, 10, and 14 of the non-provisional application. Also, support is found in the provisional application, for example, at page 2, first sentence of the Summary; in item 4 on page 3; lines 14 and 15 of page 7; the last sentence of page 7 extending to the top of page 8; lines 15 – 17 (line count including the section title "Objects and Advantages") of page 10; lines 6 and 7 of page 12; and Figures 1, 2, 5, 8 and 10. It is clear from the Figures of both the non-provisional and provisional applications that the grounding wire/inlay extends along an outer surface of the body of the chinrest and near an outer edge of the body (see Figure 14 of the non-provisional). Therefore, no new matter has been added.

Applicant adds literal support for the above claim amendments to the non-provisional application by amending, into the paragraph starting at the bottom of page 5, sentences that are taken nearly literally from page 7 at lines 14 and 15; from pages 7 and 8 (third to the last line of page 7 through the top line of page 8), and from page 10, lines 156 – 17, of the provisional application. Also, Applicant has added a call-out number for the grounding inlay to Figure 14. No new matter has been added.

Regarding the Rejection under 35 U.S.C. 102(b):

In response to the Examiner's rejection of the original claims under 35 U.S.C. 102(b), Applicant has amended Claim 1 to clearly recite that the combination is an acoustic string instrument and a chinrest comprising a chinrest body, a sound pickup system, and a mounting system comprising a clamp removably connecting the chinrest to the acoustic body of the acoustic string instrument and said mounting system comprising no alterations to the acoustic body and thereby minimizing interference with vibration of the acoustic body. Applicant clamps a chinrest onto the acoustic body of the instrument, which is well-known by those of skill in the art to be the sound-producing, substantially hollow body which vibrates and creates the distinctive acoustic instrument's sound in response to the string movements. Applicant explains in the application as filed, and now claims, that the chinrest has a mounting system comprising a clamp removably connecting the chinrest to the acoustic body and said mounting system comprising no alterations to the acoustic body and thereby minimizing interference with vibration of the acoustic body.

Support for these amendments is found, for example, in the non-provisional application title; page 2, lines 13 – 18 and lines 21 – 25; in the first paragraph of the Detailed Description of the Invention; and in the Figures; and also in the provisional application (incorporated by reference into the non-provisional application) at the last sentence of page 10. Therefore no new matter has been added. Applicant inserts (at page 4, line 6 of the non-provisional) the substance of the last sentence of page 10 of the provisional application, for literal support in the non-provisional. No new matter has been added.

Comparing the cited *Jordan* patent to Applicant's claimed invention, the instrument in *Jordan* is an electric instrument, not an acoustic instrument, which is an important and fundamental difference here, said difference being well-known and understood by those of skill in the art. For example, the *Jordan* electric instrument has no acoustic body surrounding and defining a sound chamber, as claimed by Applicant. The *Jordan* sound pickup system is the substance of the *Jordan* body, and is clearly imbedded in or attached to the *Jordan* body, substantially altering the body. Indeed, *Jordan* has a chinrest 44, but it is just a chinrest, without any sound pick-up system; chinrest 44 is not clamped onto the body, but is glued, integrally, or otherwise permanently attached to the body. Whereas *Jordan*'s sound pick-up system is, in effect, integral to its body, Applicant's clamp-on chinrest with sound pick-up system is separate from the acoustic body, so that the chinrest with sound pick-up system may be removeably mounted to the acoustic body without alterations to the acoustic body and thereby in a manner that does not interfere with the vibrations of the acoustic sound chamber.

Therefore, *Jordan* does not anticipate or make obvious the claimed invention, as it is claimed in amended Claim 1. It is not obvious to modify *Jordan* to try to arrive at a chinrest for an acoustic instrument, and, especially, it is not obvious to modify *Jordan* to try to arrive at a clamp-on chinrest with a sound pick-up system, as there is no motivation to do so, and one would drastically change the structure and the purpose for which *Jordan* was created.

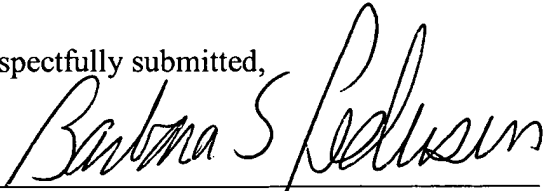
Further, Applicant amends Claim 6 and adds new Claims 28 – 31 to clarify and further claim the grounding inlay that is exposed on a surface of the chinrest body. This is a feature not disclosed or suggested in the cited art, and is not anticipated or made obvious by the cited art. Therefore, Claims 6, and 28 – 31 are also allowable in their own right, and also as claims that are dependent upon Claim 1 or intervening claims. Support for these claims is discussed earlier in this Response.

New Claim 27 further limits the clamp of the mounting means of the chinrest to being a turnbuckle clamp. Support is given, for example, in the non-provisional application at page 4, line 10, and in Figure 1. No new matter is added. This amendment further clarifies the removability of the claimed clamp and chinrest, and differentiates it even farther from the cited art.

Applicant also cancels Claims 5, 8, and 11 – 26, to move the case ahead to allowance.

Applicant now believes the application is in condition for allowance and respectfully requests the same.

Respectfully submitted,



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